IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15869 of 2005

Between:

Nodagala Satyavathi, W/o.Satyam,
Velagaleru Village, Penumantra Mandal, W.G.District.

..... PETITIONER

AND

1. Revenue Divisional Officer, Kovvur, Revenue Division, Kovvur,

W.G.District.
2 The Mandal Revenue Officer, Penumantra Mandal, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondents in taking steps to dispossess the petitioner from the lands in an extent of 0.13 Cts in R.S.No.2/2 and an extent of Ac.0.36 Cts in R.S.No.2/5 of velagaleru Village, Penumantra Mandal, West Godavari District pending appeal before the 1st respondent against the orders of the 2nd respondent dt 1-06-05 for resumption of the said land as illegal, arbitrary and under Constitution of India and set aside orders of the 2nd respondent directing not to dispossess the petitioner from the said land and pass any other order or orders.

Counsel for the Petitioner : MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Against the order passed by the Mandal Revenue Officer, Penumantra Mandal dated 01.06.2005, an appeal was filed by the petitioner before the Revenue Divisional Officer, Kovvur on 07.07.2005. Pending the appeal, the second respondent is insisting the petitioner to stop the agricultural operations in the land in question.

It is the case of the petitioner that she is in possession of the land in question by virtue of the Will executed by her mother dated 09.12.1979 bequeathing the property in her favour and that according to the respondents, the mother of the petitioner purchased the land contrary to the provisions of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 and executed a Will in favour of the petitioner. Hence, the Writ Petition to direct the respondents not to dispossess the petitioner from the land in question.

Since the appeal filed by the petitioner is pending consideration before the Revenue Divisional Officer, Kovvur, I deem it appropriate to direct the first respondent-Revenue Divisional Officer to dispose of the appeal, in accordance with law, within a period of eight weeks from the date of receipt of a copy of the Order after giving an opportunity of being heard to the petitioner and the affected parties. Till such time, the respondents are directed not to dispossess the petitioner from the land in question.

With the above direction, the Writ Petition is disposed of. No order as to costs.

(ELIPE DHARMA RAO, J)

Dt: 21.07.2005

NOTE: Furnish C.C within three days

(b.o)

bsv/lvl

To

1. Revenue Divisional Officer, Kovvur, Revenue Division, Kovvur,

W.G.District.

2 The Mandal Revenue Officer, Penumantra Mandal, W.G.District.

3. Two CCS to the Government Pleader for Revenue, High Court of A.P., Hyderabad (OUT)

4. Two CD copies

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